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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 001477

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SUBJECT: TURKEY ELECTION LISTS POSTSCRIPT: CONVICTS
DROPPED, MINOR PARTY WITHDRAWS

Classified By: Acting Political Counselor Kelly Degnan, for Reasons 1.4
(b,d)

11. (C) SUMMARY AND COMMENT. The Supreme Election Board's (SEB) scrub of proposed candidates for the election has cut out some would-be candidates for parliament and prompted one minor party to withdraw from the election altogether. The SEB's ruling that 131 of parliamentary candidate-applicants from 14 parties and 33 independents are ineligible to run has not significantly changed the political landscape; most of the 14 parties will not enter parliament in any case, and even problematic applicants for stronger parties were not top candidates. While Motherland Party's (Anavatan) withdrawal from the election in principle will avoid splitting the center-right vote, its vote share has been marginal for several years. END SUMMARY AND COMMENT.

Convicts Need Not Apply -- At Least Not Most

12. (SBU) SEB excluded the vast majority of the rejected applicants on the basis of existing legal prohibition; others had not yet reached 30 years of age, the minimum age for election to parliament. Under the new Turkish penal code, in most cases full political rights are restored when a convict has served his sentence. However, the Law on Parliamentary Elections lists as ineligible for office: those who have not completed compulsory military service; those banned from public service (because of a crime); those sentenced to imprisonment for more than one year; and those convicted of "shameful" crimes -- even if pardoned -- such as theft, embezzlement, bribery, and inciting hatred and animosity among people. The SEB rejected the application of independent Ayse Tukrukcu, a prostitute running from Istanbul on a platform opposing sexual slavery and exploitation, for being involved in an immoral activity.

13. (SBU) Of the parties that have a chance of entering parliament, the number of excluded applicants is as follows:

- AKP (Justice and Development Party) 1
- CHP (Republican People's Party) 5
- MHP (Nationalist Action Party) 10
- DP (Democrat Party) 6
- Genc (Youth Party) 2

SEB excluded Islamist Saadet Partisi leader Necmettin Erbakan, number one on his party's list for Konya, because of his prior conviction. It saw no obstacle, however, to the candidacies of former AKP MP (and recent corruption convict) Cemal Kaya and DP's (notorious Susurluk survivor) Sedat Bucak. SEB is not required to provide explanations of its rulings and no appeal is available.

14. (SBU) Of Turkey's 761 independent candidates, SEB declared 33 ineligible, seven of whom are affiliated with the pro-Kurdish Democratic Society Party (DTP), including the party's former MPs (booted from parliament in the mid-1990s and thrown in jail for a decade; their case has been a political football for years), Hatip Dicle (Diyarbakir), Orhan Dogan (Sirnak), and Selim Sadak (Sirnak). The SEB accepted applications of some former inmates, including DTP General Chairman Ahmet Turk (running as independent from Mardin) and DTP Deputy General Chairman Aysel Tugluk (independent from Diyarbakir). After examining the application of Semdinli bookstore owner and convicted "terrorist organization member" Seferi Yilmaz, the SEB concluded that his political rights were restored by serving out his sentence. A case against Yilmaz for being a member of a terrorist organization and conducting terrorist propaganda continues in the 4th Heavy Penal Court of Van; should Yilmaz be elected, he will enjoy parliamentary immunity.

Anavatan Throws in the Towel

15. (SBU) By concluding that Anavatan candidates already on Anavatan's previously submitted list at the SEB could not resubmit their names under another party, the SEB dashed any

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chance of last-minute cooperation on the center-right between Anavatan and Democrat Party. In principle, this withdrawal will prevent a divided center-right vote (septel), but Anavatan's share of the vote -- as reported in a variety of polls -- has long been marginal in any case.

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